

(Draft - Awaiting Formal Approval)
MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE
Wednesday, September 19, 2012 – 2:00 p.m. – Room 20 House Building

Members Present:

House Chair Paul Ray
Sen. Patricia W. Jones
Sen. Mark B. Madsen
Sen. Stuart C. Reid
Sen. Luz Robles
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Daniel McCay
Rep. Ronda Rudd Menlove
Rep. Dean Sanpei
Rep. Evan J. Vickers
Rep. Christine F. Watkins

Members Absent:

Senate Chair Allen M. Christensen
Rep. Wayne A. Harper

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. RuthAnne Frost, Associate General Counsel
Ms. Lori Rammell, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ray called the meeting to order at 2:32 p.m. Sen. Christensen was excused from the meeting. Chair Ray welcomed University of Utah nursing students who were in attendance.

MOTION: Rep. Daw moved to approve the minutes of the August 15, 2012, meeting. Voting in favor was unanimous with Sen. Madsen, Rep. McCay, and Rep. Menlove absent for the vote.

2. Secondhand Smoke in Motor Vehicles

Rep. Patrice M. Arent distributed "Protection of Children Riding in Motor Vehicles" (FL2013-0188/004), draft legislation that prohibits a person from smoking in a motor vehicle if a child who is 15 years of age or younger is a passenger. She also distributed "Protection of Children Riding in Motor Vehicles," a summary of the draft legislation. She stated that a person smoking a cigarette is breathing that smoke through a filter, while those inhaling the secondhand smoke have no such filter. She further stated that children are protected by law from being forced to consume alcohol, from riding in vehicles without a child seat, and other health threats, but are not currently protected from secondhand smoke in motor vehicles.

Ms. Jeana Stockdale, Health Commissioner, Utah Parent Teacher Association (PTA), spoke in favor of Rep. Arent's legislation. She stated that Utah PTA had approved this legislation in 2010 in its resolution, "Protection from Secondhand and Thirdhand Smoke." She went on to state that there is no risk-free level of exposure to secondhand smoke. She said the PTA's resolution points out that secondhand smoke exposure increases the risk of Sudden Infant Death Syndrome, acute respiratory infections, ear problems, severe asthma, and slow lung growth. She encouraged the committee to pass this bill with a favorable recommendation.

Mr. Tyler Adams, student, Hunter High School, spoke on behalf of the youth he believes this bill will affect. He pointed out that, though he is not old enough to purchase cigarettes himself, he could

nonetheless be forced to inhale cigarette smoke in an enclosed vehicle. He expressed concern for younger children whose lungs are still developing and who are exposed to secondhand smoke. He told of his and his family's experience with asthma and the irritation caused when his grandparents smoked.

Dr. Tom Metcalf, general pediatrician, recently retired, spoke as a child advocate. He recalled speaking in favor of child car seats in 1982 and compared child car seat legislation to this legislation, which is also designed to educate the public and protect children. He asked the committee to vote in favor of this bill and move it along for consideration by the 2013 General Session.

Dr. Ken Nielsen, pediatrician, University of Utah, spoke in favor of Rep. Arent's legislation. He pointed out that secondhand smoke contains over fifty chemicals known to cause cancer, then discussed the vulnerability of children to secondhand smoke on their lungs and immune systems. He said that the concentration of secondhand smoke in a vehicle is 27 times greater than in a room. He also expressed concern regarding the levels of particulate matter, small particles that can lodge deep in the airway. He asked that the bill be passed out with a favorable recommendation.

Mr. Sid Groll, Chairman, Utah Law Enforcement Legislative Committee, currently employed with the Utah Department of Natural Resources, formerly with the Cache County Sheriff's Office (23 years) and Director of Law Enforcement Standards and Training, Department of Public Safety, discussed the risk that cigarettes in cars pose as a distraction to the driver. He stated that smoking also creates physical issues, such as asthma, that may affect an individual's opportunity for employment in law enforcement or other professions. He urged support of Rep. Arent's bill.

Ms. Tibbi Milne, representative of the Women's State Legislative Council of Utah and the Utah Council on Crime Prevention, spoke in support of Rep. Arent's legislation. She related her own experiences with a daughter who died from asthma.

Rep. Lee Perry spoke in favor of the legislation. He pointed out that minors are protected by other legislation regulating things like child car seats and alcohol consumption by drivers with minor passengers, and he feels this legislation is necessary for the same reasons.

The committee made comments and directed questions about the draft legislation to Rep. Arent.

Ms. Michelle McOmber, Utah Medical Association, stated that this piece of legislation is as important as other types of legislation regarding tobacco, as it involves children who have no choice.

MOTION: Sen. Jones moved to approve as a committee bill draft legislation "Protection of Children Riding in Motor Vehicles" (2013 FL-0188/004). The motion passed. Rep. Daw voted in opposition to the motion, and Sen. Madsen and Rep. McCay were absent for the vote.

3. Thirdhand Smoke in Motor Vehicles

Rep. Perry distributed "Thirdhand Smoke in Vehicles" and copies of email communication between Rep. Perry and Mr. Michael Goodfellow. He discussed the effects of thirdhand smoke and whether it should be prohibited in certain motor vehicles. He related the experience of Mr. Goodfellow who, he said, as a truck driver, suffers from thirdhand smoke-related headaches. Rep. Perry pointed out that thirdhand

smoke is currently prohibited in some hotel rooms, bars, and clubs, and the same principle should apply to motor vehicles that are workplaces used by other, nonsmoking employees. Rep. Perry answered questions from the committee.

Sen. Reid pointed out that, with the extent of smoking-related legislation being proposed, perhaps the state should outlaw smoking altogether; he believes this proposed legislation crosses the line of personal freedom, and thus he cannot support it.

Sen. Madsen echoed Sen. Reid's comments and spoke against the proposed legislation as allowing the government to go too far in regulating the private sector. He encouraged education about the issue instead.

Rep. Daw suggested that, if the Legislature continues to interfere in smokers' lives in a roundabout way, perhaps it should, as Sen. Reid suggested, ban smoking altogether. In the meantime, he stated, smoking, though undesirable, is still legal.

Mr. Dan Deuel, citizen, spoke in opposition to the bill and referenced an article from the "Environmental Health Prospectus" from September 2011 that suggests there is no proven health risk posed by thirdhand smoke.

Dr. Tom Metcalf, general pediatrician, drew the committee's attention to the third page of the distributed study article, which stated that thirdhand smoke is, in fact, toxic. He stated that the government represents the citizens, and this decision should be made on behalf of the people.

Rep. Perry restated that he raised this issue on behalf of his constituent and as a representative of the people. He would file a bill if this committee felt it was important.

Chair Ray encouraged him to draft the bill, and Rep. Perry agreed to do so.

4. Report—New Hospital and Clinic Quality Measures

Mr. Barry Nangle, PhD, Director, Center for Health Data, Utah Department of Health, distributed and discussed "New Hospital and Clinic Quality Measures (H.B. 128)." He reviewed several elements of "A Snapshot of Clinical Performance by Utah Small Area," a web-based report released June 29, 2012. He pointed out that this report was a comparison of five nationally recognized health plan quality measures across Utah hospitals and clinics in the areas of cholesterol screening, blood sugar screening, kidney disease screening, breast cancer screening, and well-child visits. He reported that the department has determined it is unable to use its all-payer claims database to do comparisons at the clinic level, but believes it can resolve the issue in a few months by requiring more explicit reporting of health insurance claims data.

Dr. Robert Rolfs, Deputy Director, Department of Health, addressed the report's new quality measures, some of which address whether people are getting care that is good for them, including cervical cancer screening and chlamydia screening. He stated that the other measures examine the incidence of people getting care they do not need: x-rays for diagnosing low back pain, testing for children with sore throats,

and excessive prescription of antibiotics for adults with acute bronchitis.

5. The Children's Center

Rep. Menlove introduced the issue of violence and its impact on children.

Mr. Douglas F. Goldsmith, PhD, Executive Director, The Children's Center, distributed "The Children's Center 50th Anniversary" and discussed the center's role in treating children between two and eight years of age with severe behavioral and mental health needs. These behaviors, he stated, can be traced to untreated childhood trauma. He said that each year the center treats over one hundred children under the age of four who suffer from the effects of unresolved trauma. Dr. Goldsmith stated that the center is respectfully asking the Legislature to restore the \$250,000 in annual state funding that was previously provided to the center. Dr. Goldsmith responded to questions from the committee. He stated that because there are no other centers in the state equivalent to The Children's Center, professionals throughout the state are being trained to treat children with behavioral health challenges.

Chair Ray turned the chair over to Rep. Vickers.

Ms. Shannon Blutworth, adoptive mother, testified regarding her own experiences with her son who has severe behavioral health issues. She stated that the cost for her son's treatment at The Children's Center would be over \$1,000 per month and is not covered by health insurance. She asked that the committee give The Children's Center additional resources to provide much-needed care for children like her son who struggle with mental health issues through no fault of their own.

Acting Chair, Rep. Vickers, relinquished the chair to Chair Ray.

In response to a question from Sen. Robles, Mr. Steve Jardine, Office of the Legislative Fiscal Analyst, explained that last year's \$90,000 appropriation to The Children's Center was part of a line item in the Department of Human Services budget. He said that he would send Sen. Robles a copy of the department's budget summary, which lists the specific appropriation.

6. Adjourn

MOTION: Rep. Watkins moved to adjourn the meeting. Voting in favor was unanimous with Sen. Reid and Rep. McCay absent for the vote.

Chair Ray adjourned the meeting at 4:30 p.m.